

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2004 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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STATE OF GUJARAT

Versus

BACHUBHAI D ACHARYA

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Appearance:

MR VB GHARANIA, AGP for Petitioner  
MR HJ NANAVATI for Respondent No. 1  
None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/08/1999

ORAL JUDGEMENT

1. Heard learned counsel for the parties.
2. By this petition challenge has been made to the

judgment dated 12.4.1991 of the Gujarat Affiliated Colleges Services Tribunal at Ahmedabad in Application No.30/90 under which the application of the respondent No.1 was allowed and the college was directed to correct his death of birth from 51.2.1931 to 12.8.1932.

3. It is not in dispute that this judgment of the Tribunal has been given effect to and the respondent No.1 had given all the consequential benefits and even as per his this corrected date of birth, he attained the age of superannuation long back and retired from the services.

4. I find sufficient merits in the preliminary objection of the learned counsel for the respondent No.1 that this petition deserves to be dismissed only on the ground of delay and latches. This petition has been filed by the petitioner on 1.3.1995 i.e. after more than 3 years and 10 months of the date of the order of the Tribunal. This petition has been admitted and the operation of the order of the Tribunal has been stayed, but that has been done by this court on 23.11.1995. Before the day the order of the Tribunal is stayed, in the Special Civil Application the respondent No.1 was given all the benefits follows from this impugned order. The petitioner complied with this impugned order much earlier to filing of this Special Civil Application in this court. The petitioner has not given out any reasons much less a satisfactory explanation for this inordinate delay caused in filing of this Special Civil Application.

5. Taking into consideration the totality of the facts of this case and particularly the fact that the judgment was given effect to and the respondent No.1 has already retired from the service, on the ground of inordinate delay and latches this petition deserves to be dismissed and accordingly it is dismissed. Rule discharged. Interim relief, granted stands vacated. No order as to costs.

(S.K.Keshote,J.)  
(pathan)